

**Notice of Allowability**

Application No.

10/634,774

Applicant(s)

SUTO, KAZUTOSHI

Examiner

Melissa Austin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendment filed 7/28/2005.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☒ The drawings filed on 06 August 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|   | 9. <input type="checkbox"/> Other _____  |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul Neils on 8 August 2005.

The application has been amended as follows:

Claim 1 has been amended as follows:

1. A battery loading device for a portable electronic apparatus, comprising;
  - a common battery chamber in which a first type battery or a second type battery is selectively loaded;
  - a first loading gate through which said first type battery is loaded in said common battery chamber, said first loading gate being provided in a first exterior surface of said electronic apparatus so as to face a first chamber wall of said common battery chamber;
  - a first lid for opening and closing said first loading gate;
  - a second loading gate through which said second type battery is loaded in said common battery chamber, said second loading gate being provided in a second exterior surface of said electronic apparatus so as to face a second chamber wall of said common battery chamber, said second exterior surface being approximately perpendicular to said first exterior surface;

a second lid for opening and closing said second loading gate;  
a first contact segment being provided in said first chamber wall, said first contact segment being contacted with an electrode of said first type battery; and  
a second contact segment being provided in said second chamber wall, said second contact segment being contacted with an electrode of said second type battery;  
wherein said first type battery is a primary battery and said second type battery is a secondary battery.

Claim 3 has been amended as follows:

3. The battery loading device as claimed in claim 2, wherein said first type battery is a cylindrical dry cell[[, and said second type battery is a secondary battery]].

***Allowable Subject Matter***

2. Applicant's arguments, see After Final Amendment, filed 28 July 2005, with respect to the Final Rejection of 31 May 2005, have been fully considered and are persuasive. The 35 U.S.C. 103 rejections of 31 May 2005 have been withdrawn.

3. Claims 1-7 are allowed.

4. The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or suggest a battery loading device comprising a common battery chamber in which a first type battery or a second type battery is selectively loaded; a first loading gate on a first exterior surface facing a first chamber wall and a

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first lid closing first loading gate; a second loading second chamber wall and a second lid closing second loading gate. Applicant states that there is no motivation to configure, and the invention is not merely duplication of parts because this modification of the prior art of record would not have been obvious to one of ordinary skill in the art. Examiner agrees with Applicant's statements.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa Austin whose telephone number is (571) 272-1247. The examiner can normally be reached on Monday - Thursday, alt. Friday, 7:15 AM - 4:15 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mja  
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Art Unit 1745



**PATRICK JOSEPH RYAN**  
**SUPERVISORY PATENT EXAMINER**